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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 26th Day of May 1998

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKARAIAH

WRIT PETITION NO.1328/1997

Between:

D.S.Kalmath,
S/o.Siddaiah,
Age: Major,
R/o.Sindhanoor,
Dist.Raichur.

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...PETITIONER

(By Sri.M.V.Hiremath, Adv.)

And:

1. The State of Karnataka,
by its Secretary,
Urban Development
Department,
M.S.Building,
Bangalore.
2. The Director of
Municipal Administration,
T.V.Tower,
Bangalore.
3. The Director of
Town Planning,
M.S.Building,
Bangalore.
4. The Deputy Commissioner,
Raichur District,
Raichur.
5. The Deputy Director
of Town Planning,
Dharwad District,
Dharwad.

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6. The Assistant Director
of Town Planning,
Gangavathi,
Dist. Raichur.
7. The Executive Officer,
Town Municipal Council,
Sindhanoor,
Dist. Raichur.

...RESPONDENTS

(By Sri.K.Nagaraja, HCGP for R-1 to R-6
Sri.Jayakumar S. Patil, Adv. for R-7)

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This Writ Petition is filed under Articles 226 and 227 of the Constitution of India with a prayer to direct the respondents to take necessary steps to prevent unauthorised construction in the space meant for Civil Amenities in Sindhanoor Town, Raichur Dist.

This Writ Petition coming on for Preliminary Hearing in 'B' Group this day, the Court made the following:-

O_R_D_E_R

The petitioner in this Writ Petition has sought for a direction to the Sindhanoor Town Municipal Council stating that the civic amenity site has been misused by putting up unauthorised construction and further sought for a direction to the Municipal Council to implement the layout

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plan as approved by the Director of Town Planning.

2. In the lay-out plan, if certain area is ear-marked as a civic amenity site, it shall be used for that purpose only. Therefore, if there is any unauthorised construction in the Civic Amenity site, the Town Municipal Council shall take appropriate steps to remove such unauthorised construction and to preserve the Civic Amenity site to use it for the purpose for which it has been ear-marked. As per the provisions of the ^{Town and} Karnataka Country and Town Planning Act, any lay-out to be formed is to be approved by the Director of Town Planning. This is to have an orderly development of the town or city. Therefore, it is the duty of the Town Municipal Council to get the lay-out plan approved by the Director of Town Planning before executing the scheme. With these observation, this Writ Petition is disposed of.

sps/*



Sd/-
JUDGE